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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,096	11/16/2001	Michael Sawyer	P1830US00	2882

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EXAMINER
HAMZA, FARUK

ART UNIT	PAPER NUMBER
2155	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/991,096	SAWYER, MICHAEL
	Examiner	Art Unit	
	FARUK HAMZA	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 February 2008</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-36 and 38</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-36 and 38</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail. Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Response to Amendment

1.   This action is responsive to the communication filed on February 29, 2008.

Claims 1, 10 and 23 have been amended. Claim 37 has been canceled. Claims

1-36 and 38 are pending.

Specification

2.   The specification is objected to as failing to provide proper antecedent

basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP

§ 608.01(o). Correction of the following is required: computer-readable medium

requires proper antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or

described as set forth in section 102 of this title, if the differences between the

subject matter sought to be patented and the prior art are such that the subject

matter as a whole would have been obvious at the time the invention was made to a

person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-12,14-17,20-26,29, 31-36 and 38 are rejected under 35

U.S.C. 103(a) as being unpatentable over Dean et al. (U.S. Patent Number

6,202,206) hereinafter referred as Dean and further in view of Davis et al. (U.S.

Patent Number 6,763,386) hereinafter referred as Davis.

Dean teaches the invention substantially as claimed including a method for installing programs, settings and configurations in a network of plurality of server and client computers is provided which involves the steps of designating one of said server computers having an interactive display interface to function as the primary server computer (See abstract).

As to claim 1, Dean teaches a system for remotely determining a user's out-of-box experience with a personal computer, comprising:

a user personal computer requiring an initial setup to reach an operating state for the user personal computer, the user personal computer being configured to detect and upload data characterizing the interaction by the user with the personal computer during the initial setup interaction with the user of the user personal computer (Fig. 3-Fig.27; Column 7, lines 11-Column 8, lines 40, Dean discloses a system capable of detecting user interaction with a computer and storing that data);

wherein the initial setup interaction between the user and the user personal computer occurs on the user personal computer (abstract, Column 7, lines 11-Column 8, lines 40).

Dean does not explicitly teach claim limitation of uploading the detected user interaction data to a remote server and receiving that data by the remote server.

However, Davis teaches the claimed limitation of uploading the detected user interaction data to a remote server and receiving that data by the remote server (abstract, Column 4, lines 47-Column 5, lines 12).

It would have been obvious in the ordinary skill of the art at the time of the invention to modify Dean by adding functionality for uploading the detected user interaction data to a remote server and receiving that data by the remote server, which would provide users interaction with resources and usage of those resources. One would be motivated to do so to enhance system's client activities monitoring capability.

Claims 10,12,20,22 and 23 do not teach or define any new limitations other than above claim 1. Therefore claims 10,12,20,22 and 23 are rejected for similar reasons.

As to claim 2, Davis teaches the system of claim 1, wherein the personal computer is capable of automatically uploading user interaction data (Column 4, lines 47-Column 5, lines 12).

Claim 14 does not teach or define any new limitations other than above claim 2. Therefore claim 14 is rejected for similar reasons.

As to claim 3, Davis teaches the system of claim 1, wherein the personal computer is capable of offering an opportunity to upload user interaction data (Column 4, lines 47-Column 5, lines 12).

As to claim 4, Davis teaches the system of claim 1, wherein the remote information handling system is capable of correlating the uploaded data with the personal computer's pre-loaded configuration (abstract).

As to claim 5, Dean teaches the system of claim 10, wherein user interaction data is at least one of an occurrence of an event, a time interval between events, a user input, "HELP" button utilization, a time period to load a program, an accessed program's name, an installation of a driver, a screen capture, a time period a dialog box is open (Column 2, lines 49-Column 3, lines 5).

As to claim 6, Dean teaches the system of claim 1, wherein personal computer detects user interaction data as a background application (Column 2, lines 49-Column 3, lines 5).

Claim 16 does not teach any new limitation other than above claim 6. Therefore claim 16 is rejected for similar reasons.

As to claim 7, Dean teaches the system of claim 1, wherein the user's interactions are detected for at least one of an initial boot-up, a specific number of boot operations, a time period, and after a program has been started a specific number of times (Column 7, lines 11-Column 8, lines 40).

Claim 17 does not teach any new limitation other than above claim 7, Therefore claim 17 is rejected for similar reasons.

As to claim 8, Davis teaches the system of claim 1, wherein the network is an INTERNET (Fig. 1).

Claim 11 does not teach or define any new limitations other than above claim 8. Therefore claim 11 is rejected for similar reasons.

As to claim 9, Dean teaches the system of claim 1, wherein the personal computer is capable of surveying the user (abstract).

As to claim 15, Dean teaches the method of claim 12, wherein uploading user interaction data is initiated by the user (abstract).

As to claim 21, Dean teaches a method as claimed in claim 20, further comprising the step of correlating the initialization activity of the user, determining whether a change in the initialization is needed, and, in the event a change is needed, modifying an initialization process for new personal computer in response to the analyzed initialization activity of the user (Column 7, lines 11-Column 8, lines 40).

As to claim 24, Dean teaches an apparatus as claimed in claim 23 wherein the originator correlates the initialization activity of the user so that a future system can be configured in response to the correlated initialization activity of the user (Column 7, lines 11-Column 8, lines 40).

As to claim 25, Dean teaches the system of claim 1, wherein the initial setup of the user personal computer comprises an initial boot-up of the user personal computer (Column 7, lines 11-Column 8, lines 40).

As to claim 26, Dean teaches the system of claim 1, wherein the initial setup of the user personal computer is limited to an initial boot-up of the user personal computer (Column 7, lines 11-Column 8, lines 40).

As to claim 29, Dean teaches the system of claim 1, wherein the data related to the user's interaction comprises data about a time period between two designated events during the initial setup of the user personal computer (abstract, Column 7, lines 11-Column 8, lines 40).

As to claim 31, Dean teaches the system of claim 1, wherein the data related to the user's interaction comprises data about an error message displayed during the initial setup of the user personal computer (abstract, Column 7, lines 11-Column 8, lines 40).

As to claim 32, Dean teaches the method of claim 12, wherein initializing the user personal computer comprises making changes to the user personal computer to conform to a user's specifications (abstract, Column 7, lines 11-Column 8, lines 40).

As to claim 33, Dean teaches the method of claim 12, wherein the step of uploading the user interaction data to the network is initiated after a specific number of boot operations after an initial boot operation on the user personal computer (abstract, Column 7, lines 11-Column 8, lines 40).

As to claim 34, Dean teaches the method of claim 12, wherein the step of uploading the user interaction data to the network is initiated after a predetermined time period after an initial boot operation on the user personal computer (abstract, Column 7, lines 11-Column 8, lines 40).

As to claim 35, Dean teaches the system of claim 1, wherein the initial setup continues until an operating sate of the user personal computer is

achieved, and then the initial set up is terminated (abstract, Column 7, lines 11-Column 8, lines 40).

As to claim 36, Dean teaches the system of claim 1, wherein the user personal computer is configured prior to the initial setup to detect and upload data characterizing the initial setup interaction with the user (abstract, Column 7, lines 11-Column 8, lines 40).

As to claim 38, Dean teaches the system of claim 1, wherein data characterizing the initial setup interaction with the user of the user personal computer is detected on the user personal computer and uploaded from the user personal computer (abstract, Column 7, lines 11-Column 8, lines 40).

4.   Claims 13,18,19 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dean and Davis as applied above, and further in view of Official Notice.

As to claim 13, Dean teaches the method of claim 12 (abstract, Column 7, lines 11-Column 8, lines 40).

Dean does not explicitly teach the claim limitation of offering incentive.

However, "Official Notice" is taken that the concept and advantages of offering incentive to the client or customer is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dean by adding functionality for offering incentive to the client or customer, which would motivate clients or customers to do things. One would be motivated to do so to enhance the system's usability.

As to claim 18, Dean teaches the method of claim 12 (abstract, Column 7, lines 11-Column 8, lines 40).

Dean does not explicitly teach the claim limitation of surveying the user about information regarding demographic data and user opinion.

However, "Official Notice" is taken that the concept and advantages of surveying the user about information regarding demographic data and user opinion is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dean by adding functionality of surveying the user about information regarding demographic data and user opinion, which will help manufacturer to provide user's need. One would be motivated to do so to enhance the system's performance.

Claim 19 does not teach or define any new limitations other than above claim 18. Therefore claim 19 is rejected for similar reasons.

As to claim 27, Dean teaches data related to user's interaction (abstract, Column 7, lines 11-Column 8, lines 40).

Dean does not explicitly teach the claim limitation of screen capture.

However, "Official Notice" is taken that screen capture is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dean by adding screen capture, which will provide more

user's interaction with the system to manufacturer. One would be motivated to do so to enhance the system's performance.

As to claim 28, Dean teaches data related to user's interaction (abstract, Column 7, lines 11-Column 8, lines 40).

Dean does not explicitly teach the claim limitation of data about a time period that a dialog box is open.

However, "Official Notice" is taken that data about a time period that a dialog box is open is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dean by adding functionality for collecting data about a time period that a dialog box is open, which will provide more user's interaction with the system to manufacturer. One would be motivated to do so to enhance the system's performance.

5.   Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dean (U.S. Patent Number 6,202,206).

As to claim 30, Dean teaches storing all the keystrokes and mouse usages (abstract, Column 7, lines 11-Column 8, lines 40).

Dean does not explicitly teach the claim limitation of "HELP" button.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dean by adding "HELP" button, which will make the system more users friendly. One would be motivated to do so to enhance the system's usability.

6.   **Examiner's Note:** Examiner has cited particular columns and line

numbers in the references as applied to the claims above for the convenience of

the applicant. Although the specified citations are representative of the teachings

of the art and are applied to the specific limitations within the individual claim,

other passages and figures may apply as well. It is respectfully requested from

the applicant in preparing responses, to fully consider the references in its

entirety as potentially teaching of all or part of the claimed invention, as well as

the context.

Response to Arguments

7.   Applicant's arguments have been fully considered but they are not

persuasive.

        In the remarks applicant argues in substance that; A) Dean does not teach

the initial setup interaction between the user and the user personal computer

occurs on the personal computer.

        In response to A) Applicant is reminded that claim limitation must be given

their reasonable broadest interpretation. Applicant's argument is out of scope of

the invention. Dean teaches detecting user's interaction with the personal

computer during initial configuration of the personal computer (See abstract, Fig.

4, Column 7, lines 11-Column 8, lines 40). Therefore teaching of Dean meets the

claimed limitation.

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

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